

REMARKS

Initially, Applicant and Applicant's attorney express their appreciation to the Examiner for the courtesies extended during the Interview held on March 1, 2005. The claim amendments and arguments submitted in this communication are consistent with the amendments and arguments presented during the course of the Interview. In addition, Applicant notes with appreciation the Examiner's withdrawal of the previous 35 U.S.C. § 112, first and second paragraph, rejections for the Office Action dated December 17, 2003.

Reconsideration and allowance of the above-identified patent application are respectfully requested. Claims 1-16 and 18-27 remain pending, of which independent claims 1, 15, and 24 have been amended.¹ In addition, new dependent claims 28-41 have been added

First, The Office Action alleges that Applicant should not receive priority for any of the claims including claim 24. Although Applicant does not necessarily agree with the Office Action's priority analysis, in the interest of expediting prosecution Applicant has amended the claimed invention to distinguish over the cited art. Nevertheless, Applicant reserves the right to revisit the issue of priority should Applicant desire or need to do so in the future for this or any subsequent related application(s).

Next, the Office Action rejects independent claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over "Supplementary Service in the H.323 IP Telephony Network" by Korpi et al. ("*Korpi*") in view of "H.323: The Multimedia Communications Standard for Local Area Networks" by Thom ("*Thom*"). Further, the Office Action rejects independent claim 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Korpi* in view of *Thom* and in further view of "C6x Solutions for Voice over IP Gateway" by Cassing ("*Cassing*"). In addition, the Office

¹ Support for the claim amendments can be found throughout the Specification, *see e.g.*, p. 24, ll. 3-12.

Action rejects independent claim 24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Korpi* and *Thom* in view of U.S. Patent Application 2001/0046234 A1 by Agrawal et al. ("*Agrawal*"). For the following reasons, Applicant respectfully traverses these grounds of rejection.²

Applicant's invention, as recited in independent claim 1 for example, relates to a method for supplying communication and data services across a dispersed Internet protocol capable network by selectively connecting devices that are electrically attached to the network. The method includes initiating a control path connection on a network layer between individual components attached to the dispersed network and at least one central arbitration server for centralized arbitration of service requests received from the individual components, receiving a service request, initiating a data path connection between the individual components designated by the service request, and the central arbitration server initiating a service layer to supply the requested service. Further, claim 1 has been amended to include the population of one or more call detail record fields by default and allowing an application corresponding to the requested service to extend the one or more call detail record fields known to the central arbitration server by adding at least one call detail record field defined by the application.

Similarly, Applicant's invention, as recited for example in independent claim 15, relates to a communication and data services network predominately using a packetized transmission protocol. The communication and data network comprises means for requesting a communication data service; means for initiating a network layer between attached components

² Applicant's amendments and arguments with respect to the cited art should not be interpreted as acquiescing as to the prior art status or asserted teachings of the cited art. In fact, Applicant respectfully disagrees with the Office Action's response to Applicant's previous arguments filed on June 17, 2004. Nevertheless, in the interest of expediting prosecution, Applicant has amended the independent claims. Nevertheless, Applicant specifically reserves the right to challenge the prior art status and asserted teachings of the cited art, should Applicant desire to do so in future responses.

of the dispersed network, wherein the network layer initiates a control path for the attached components and a data path for select components designated in the requested communication data service, the means for initiating a network layer comprising (i) at least one central arbitration server (CAS) for centralized arbitration of service requests received from the means for requesting a communication data service, and (ii) a plurality of entry gateways (CE), wherein each CE performs digital signal processing on received signals to generate encoded packets and is connected to the at least one CAS via the control path; and means for initiating a service layer to supply the requested communication data service. In addition, claim 15 has also been amended to include that the at least one CAS populates one or more call detail record fields by default, and allows an application corresponding to the requested communication data service to extend the one or more call detail record fields known to the at least one CAS by adding at least one call detail record field defined by the application.

Finally, Applicant's invention, as recited in independent claim 24, relates to a global private packetized communication system with a control path and a real time data path. The communication system comprises an originating telephone means for transceiving a digitized audio signal; transmission means for transceiving, categorizing, compressing, and encapsulating digitized audio signals; and receiving telephone means for transceiving a digitized audio signal. Similar to claims 1 and 15, claim 24 has been amended to include that the transmission means populates one or more call detail record fields by default, and allows an application corresponding to a requested service to extend the one or more call detail record fields known to the transmission means by adding at least one call detail record field defined by the application.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation . . . to combine reference teachings. Second, there

must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness for at least the reason that the combined cited references do not disclose or suggest each and every element of independent claims 1, 15, and 24. For example, the combination of *Korpi*, *Thom*, *Cassing*, and/or *Agrawal*, taken either individually or as a whole, do not disclose or suggest methods and/or systems with a central arbitration server or transmission means that populates call detail record fields by default, and allows an application corresponding to a requested service to extend the call detail record files known to the central arbitration server or transmission means by adding at least one call detail record field defined by the application, as recited, *inter alia*, in independent claims 1, 15, and 24.

Korpi discloses supplementary service in the H.323 IP telephony network. Similarly, *Thom* discloses an overview of H.323, which is a visual telephone system and equipment for LANs that provide a non-guaranteed quality of service (QoS). Further, *Cassing* discloses solutions for voice over IP gateways. Finally, *Agrawal* discloses a method and apparatus for use in telecommunication systems supporting inter-working between H.323 packet-based multimedia communication systems and the Session Initiation Protocol (SIP).

Nevertheless, the combination of *Korpi*, *Thom*, *Cassing*, and *Agrawal*, does not disclose or suggest a central arbitration server or transmission means that populates call detail record fields by default. Further, the combination of *Korpi*, *Thom*, *Cassing*, and *Agrawal*—either taken individually or as a whole—is silent regarding a call detail record with extensible fields. As such, the combination of *Korpi*, *Thom*, *Cassing*, and *Agrawal* cannot possibly disclose or suggest a central arbitration server or transmission means that populates call detail record fields by

default, and allows an application corresponding to a requested service to extend the call detail record files known to the central arbitration server or transmission means by adding at least one call detail record field defined by the application, as recited, *inter alia*, in independent claims 1, 15, and 24.

In fact, the Examiner seemed to concur with this analysis during the Interview and noted in the Interview Summary that the proposed amendments to the independent claims appear to distinguish over some of the cited art of record. As such, the Examiner indicated in the Interview Summary that upon receiving Applicant's formal response the Examiner would determine if the claims require further search in light of the amendments.

Based on at least the foregoing reasons, Applicant respectfully submits that the cited prior art fails to anticipate or make obvious Applicant's invention, as claimed for example, in independent claims 1, 15, and 24. Applicant notes for the record that the remarks above render the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicant reserves the right to do so.

Finally, newly added claims 28-41 are all dependent claims directed to alternative embodiments of the invention. Inasmuch as each of newly added claims 28-41 depends, directly or indirectly from claim 1 or claim 15, applicant respectfully submits that claims 28-41 are also distinguishable over the art of record for the reasons discussed above in relation to independent claims 1 and 15.

All objections and rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this _____ day of June, 2005.

Respectfully submitted,



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AMENDMENT B
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